

**IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF OKLAHOMA**

<b>ROBERT E. COTNER,</b>	)	
	)	
Petitioner,	)	
	)	
v.	)	<b>No. CIV 01-037-RAW</b>
	)	
<b>BOBBY BOONE, et al.,</b>	)	
	)	
Respondents.	)	

**OPINION AND ORDER**  
**DENYING LEAVE TO PROCEED IN FORMA PAUPERIS ON APPEAL**

This habeas corpus action pursuant to 28 U.S.C. § 2241 was dismissed on June 29, 2001 (Dkt. 18). On April 18, 2018, Petitioner filed a “Motion-to-Revisit-Ruling On-Actual-Innosance [sic] and-challenger [sic]-to-Jurisdiction” (Dkt. 28). On that same date, the Court entered an Order striking the motion and advising Petitioner that he must file a new action to raise the claims in the motion (Dkt. 29). Plaintiff then filed a Notice of Appeal (Dkt. 30) and a motion to proceed *in forma pauperis* on appeal (Dkt. 33).


To proceed *in forma pauperis* on appeal, “an appellant must show a financial inability to pay the required filing fees and the existence of a reasoned, nonfrivolous argument on the law and facts in support of the issues raised on appeal.” *DeBardeleben v. Quinlan*, 937 F.2d 502, 505 (10th Cir. 1991) (citations omitted). *See also* 28 U.S.C. § 1915(a)(1)&(3); *McIntosh v. United States Parole Comm’n*, 115 F.3d 809, 812 (10th Cir. 1997). Upon consideration of the motion and the case record, the Court finds Petitioner has not presented a reasoned, nonfrivolous argument for appeal, and the appeal is not taken in good faith. He, therefore,

is not entitled to proceed *in forma pauperis* on appeal.

**ACCORDINGLY**, Petitioner's motion for leave to proceed *in forma pauperis* on appeal (Dkt. 33) is DENIED, and he is directed to pay the \$505.00 appellate filing fee to the Clerk of this Court within 20 days of the entry of this Order.

**IT IS SO ORDERED** this 17th day of May 2018.

**Dated this 17<sup>th</sup> day of May, 2018.**

  
Ronald A. White  
United States District Judge  
Eastern District of Oklahoma